

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ISSAC SAARMAN,

11 Plaintiff,

v.

CASE NO. C17-0412-JCC

12 ORDER GRANTING SERVICE OF
13 PROCESS BY FIRST CLASS MAIL

LARRY CHRISTENSEN, in personam;
THE F/V LYRA, Official Number 905075,
her engines, machinery, appurtenances and
cargo, in rem,

Defendant.

This matter comes before the Court on Plaintiff's motion for clarification on service of process and renewal of request to serve process by first class mail (Dkt. No. 11). Having thoroughly considered the relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

A plaintiff may, among other methods, serve a defendant located in the United States by "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." Fed. R. Civ. P. 4(e)(1). In Washington, alternative service by mail is permissible when the circumstances would justify service by publication and the defendant is likely to receive actual notice. Wash. State Court

1 Civil Rule 4(d)(4). Service by publication is permitted under limited circumstances such as when
2 a defendant who is a resident of Washington “keeps himself concealed” within the state “with
3 intent to … to avoid the service of a summons[.]” Wash. Rev. Code § 4.28.100(2). Washington
4 courts have clarified that service by mail is permissible upon Washington residents when they
5 are attempting to evade service. *Pascua v. Heil*, 108 P.3d 1253, 1257 (Wash. App. 2005).

6 Plaintiff has made diligent efforts to serve Mr. Christensen at his Washington residence
7 and has sufficiently shown that Mr. Christensen is attempting to evade service of process. For the
8 foregoing reasons, Plaintiff’s renewed motion for leave to effect service of process by first class
9 mail (Dkt. No. 14) is GRANTED. Plaintiff shall follow the dictates of CR 4(d)(4) in attempting
10 service of process by first class mail.

11 DATED this 19th day of September, 2017.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE